

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SKOT DAVID WILSON,

Plaintiff,

v.

Case No. 3:19-cv-1430-J-34JRK

SERGEANT BOONE, a CCSO
Deputy Sheriff,

Defendant.

REPORT AND RECOMMENDATION¹

This cause is before the Court sua sponte. Plaintiff initiated this action on December 13, 2019 by filing a Complaint and Jury Demand (Doc. No. 1; "Complaint"). On the same date, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Doc. No. 2) that the Court construes as a Motion to Proceed In Forma Pauperis ("Motion"). Upon review of the file, the undersigned recommends that the case be dismissed for failure to prosecute.

On January 14, 2020, the Court entered an Order (Doc. No. 4) taking the Motion under advisement. Observing that the Complaint was likely subject to dismissal for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted, the Court directed Plaintiff to file an Amended Complaint no later than February 14, 2020

¹ "Within 14 days after being served with a copy of [a report and recommendation on a dispositive issue], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." Id. A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Local Rule 6.02.

or pay the \$400.00 filing fee no later than February 14, 2020. See Jan. 14, 2020 Order at 4, 10-11, 13. Plaintiff filed an Amended Complaint (Doc. No. 5) on February 14, 2020.

On February 21, 2020, the Court entered an Order (Doc. No. 6) observing that the Amended Complaint addressed some of the concerns set out in the January 14, 2020 Order but failed to address others. See Feb. 21, 2020 Order at 4-6. The Court thus directed Plaintiff to file a Second Amended Complaint no later than March 20, 2020 or pay the filing fee no later than March 20, 2020. See id. at 7-8.

Plaintiff failed to act by March 20, 2020. Consequently, the undersigned entered an Order to Show Cause (Doc. No. 7) on May 19, 2020, directing Plaintiff to show cause by June 22, 2020 as to why the undersigned should not recommend dismissal of the matter for failure to prosecute. See Order to Show Cause at 2. Plaintiff was also directed to comply with the February 21, 2020 Order by June 22, 2020. Id. Plaintiff was warned that failure to respond by June 22, 2020 would result in a recommendation of dismissal without further notice. Id.

To date, Plaintiff has not responded in any way to the Order to Show Cause, and he has not complied with the February 21, 2020 Order. Accordingly, it is

RECOMMENDED:

1. That this case be **DISMISSED without prejudice** for failure to prosecute pursuant to Rule 3.10(a), Local Rules, United States District Court, Middle District of Florida.

2. That the Clerk of Court be directed to terminate all pending motions and close the file.

RESPECTFULLY RECOMMENDED in Jacksonville, Florida on June 30, 2020.


JAMES R. KLINDT
United States Magistrate Judge

bhc
Copies to:

Honorable Marcia Morales Howard
United States District Judge

Pro se party